



Order Filed on December 22,
2017 by Clerk U.S. Bankruptcy
Court District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, LLC
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Attorneys for Movant: HSBC BANK USA,
N.A.

IN re:

Karen Webber-Gobern aka Karen Webber

Case No.: 14-29060-JKS

Chapter: 13

Judge: John K. Sherwood

Recommended Local Form



Followed



Modified

AGREED ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

**DATED: December 22,
2017**

A handwritten signature of John K. Sherwood in black ink, written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: HSBC BANK USA, N.A.
Applicant's Counsel: Alexandra T. Garcia, Esq.
Property Involved ("Collateral") 1014 Blackberry Lane, Union, New Jersey 07083

Relief Sought: ☒ Creditor's Certification of Default
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 15 months, from October 1, 2016 to December 1, 2017 as follows:

- The Debtor is overdue for 3 payments at \$2,837.40 per month for the months of October 2016 – December 2016 for a total of \$8,512.20.
- The Debtor is overdue for 12 payments at \$2,874.41 per month for the months of January 2017 – December 2017 for a total of \$34,492.92
- Debtor is credited with suspense in the amount of \$26.21.

Total Arrearages Due: \$42,978.91

2. Debtor must cure all post-petition arrearages, as follows:

☒ On or before December 31, 2017 Debtor must tender a certified lump sum payment in the amount of \$42,978.91 to cure all post-petition arrears on the mortgage.

☒ Beginning on January 1, 2018, regular monthly mortgage payment shall continue to be made in the amount of \$2,900.84*.

* Monthly mortgage payments are subject to change pursuant to the requirements of Bankruptcy Rule 3002.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: PHH Mortgage Services
1 Mortgage Way
Mailstop: SBRP
Mt. Laurel, NJ 08054

☒ Regular monthly payment: Same as above

☐ Monthly cure payment: Same as above

4. In the event of immediate Default:

☒ If on Dec 31, 2017, the Debtor has not repaid the post-petition arrears in full, then Lender is granted relief from the automatic stay as provided under 11 U.S.C § 362 as to the property, and the automatic stay is terminated as it affects Lender's interest in the property. In order to activate the relief from the automatic stay provision, Lender shall file an Affidavit of Default with the Court, and relief shall be deemed granted without any further hearing and without the entry of an additional order from the Court. Such Affidavit of Default shall contain a statement of the default as supported by Lender's records and will activate the conditional relief granted in this paragraph.

5. In the event of further Default:

☒ If the Debtor makes the lump sum post-petition payment to cure the arrears by Dec 31, 2017, but then fails to make any regular monthly mortgage payment within thirty (30) days of the date the payments are due, then Lender may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with the terms of this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Debtor, and the Debtor's Attorney.

6. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

7. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$200.

The fees and costs are payable:

☒ through the Chapter 13 plan.